

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

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| No. | CV 15-4187-AG (AS) | Date | August 18, 2015 |
| Title | <i>Leslie Croaker, Jr. v. J. Arias, et al.</i> | | |

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| Present: The Honorable | <u>Alka Sagar, United States Magistrate Judge</u> |
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| Alma Felix | Not reported |
| Deputy Clerk | Court Reporter / Recorder |

Attorneys Present for Plaintiffs:

Not present

Attorneys Present for Defendants:

Not present

Proceedings (In Chambers):**Order to Show Cause Re. Lack of
Prosecution**

On August 3, 2015, this Court issued an Order to Show Cause re Lack of Prosecution directing Plaintiff to show cause, “in writing, no later than **Wednesday, September 2, 2015**, why this action should not be dismissed with prejudice for failure to prosecute and failure to obey a court order” (Docket Entry No. 7). Plaintiff was ordered to file a First Amended Complaint “that cures the deficiencies in the last pleading,” or “a declaration under penalty of perjury stating why Plaintiff is unable to do so.” Id.

On August 17, 2015, Plaintiff filed a document entitled, “Order to Show Cause Re. Would Like to Prosecute,” (Docket Entry No. 8), stating that he had received the Court’s Order to Show Cause and wanted to pursue this action. Id. Plaintiff’s filing is not responsive to the Court’s Order which directed Plaintiff to file a First Amended Complaint or a declaration stating why he is unable to do so. Therefore, the Court will not discharge its Order to Show Cause issued on August 3, 2015. The Court will provide Plaintiff additional time - to **September 16, 2015** - to file a First Amended Complaint or a declaration stating why he is unable to do so.

The Clerk is directed to attach a copy of the Court’s Order dismissing the complaint with leave to amend (Docket Entry No. 5) to this Order.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a). A notice of dismissal form is attached for Plaintiff’s convenience. Plaintiff is warned that a failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

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